

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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FELIX DELGADO, CARLOS DOMINGUEZ,	:	
LUIS MAURISECA, KAE HEUNG PARK,	:	
LONG FAN JIN, JORGE PENAPIEL, MANUEL :	:	
TENEZACA, PASCACIO CALLEJAS, SANTOZ:	:	No. 08-CV-1984 (DAB)(MDF)
MENDOZA, and JOAQUIN MACARENO,	:	
	:	ECF CASE
Plaintiffs,	:	
	:	<b><u>PLAINTIFFS' MOTION FOR</u></b>
-against-	:	<b><u>DEFAULT JUDGMENT</u></b>
	:	
KIKO CONSTRUCTION INC., REX KIM, and :	:	
KWANG YONG BYUN,	:	
	:	
Defendants.	:	
-----x	:	

Plaintiffs FELIX DELGADO, CARLOS DOMINGUEZ, LUIS MAURISECA, KAE HEUNG PARK, LONG FAN JIN, JORGE PENAPIEL, MANUEL TENEZACA, PASCACIO CALLEJAS, SANTOZ MENDOZA, and JOAQUIN MACARENO, by and through their attorneys, respectfully moves for default judgment against Defendants Kiko Construction Inc. and Rex Kim pursuant to the Federal Rules of Civil Procedure 55 and Local Civil Rule 55.2 for failure to plead or otherwise defend the above-captioned matter as fully appears from the Court file herein and from the attached Declaration of Dillon Kim. Plaintiffs seek judgment against Defendants Kiko Construction Inc. and Rex Kim in the total sum certain amount of \$61,224.20 which includes compensatory damages for unpaid wages, federal and state liquidated damages for the unpaid wages, and interest at 9% for compensatory damages owed.

Dated: New York, New York  
August 11, 2008

**HOGAN & HARTSON LLP**

/s/ Dillon Kim

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Dillon Kim (DK 4121)  
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*Attorneys for Plaintiffs Felix Delgado, Carlos  
Dominguez, Luis Mauriseca, Kae Heung Park, Long  
Fan Jin, Jorge Penapiel, Manuel Tenezaca,  
Pascacio Callejas, Santoz Mendoza, and Joaquin  
Macareno*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**FELIX DELGADO, CARLOS  
DOMINGUEZ, LUIS MAURISECA, KAE  
HEUNG PARK, LONG FAN JIN, JORGE  
PENAPIEL, MANUEL TENEZACA,  
PASCACIO CALLEJAS, SANTOZ  
MENDOZA, and JOAQUIN MACARENO,**

**Plaintiffs,**

**-against-**

**KIKO CONSTRUCTION INC., REX KIM,  
and KWANG YONG BYUN,**

**Defendants.**

08CV1984 (DAB) (MDF)

ECF Case

**PROPOSED DEFAULT  
JUDGMENT ORDER**

This action having been commenced on February 28, 2008 by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been served on Defendant Kiko Construction Inc. on February 29, 2008 by service upon the New York Secretary of State, and a proof of service having been filed on March 11, 2008, and a copy of the Summons and Complaint having been served on Defendant Rex Kim on June 10, 2008, by personal service, and a proof of service having been filed on June 20, 2008, and the Defendants Kiko Construction Inc. and Rex Kim not having answered the Complaint, and the time for answering the Complaint having expired, it is

ORDERED, ADJUDGED, AND DECREED: That the Plaintiffs have judgment against Defendants Kiko Construction Inc. and Rex Kim in the amount of \$61,224.20, including interest at 9%, from Defendants Kiko and Rex Kim, pursuant to Federal Rule of Civil Procedure 55 and Local Rule of the United States District Court Southern District of New York 55.2. The breakdown of damages and interest for each of the Plaintiffs is as follows:

1. Jorge Penapiel: \$3,493.00 of compensatory damages, \$1,898.00 of federal liquidated damages, \$873.25 of state liquidated damages, and interest at 9% from July 5, 2007 to August 11, 2008, for \$345.81, for a total as of \$6,610.06, as shown by the spreadsheet annexed as **Exhibit F**, which is justly due and owing, and no part of which has been paid except as therein set forth.

2. Felix Delgado: \$1,693.00 of compensatory damages, \$974.00 of federal liquidated damages, \$423.25 of state liquidated damages, and interest at 9% from July 5, 2007 to August 11, 2008, for \$167.61, for a total as of \$3,257.86, as shown by the spreadsheet annexed as **Exhibit F**, which is justly due and owing, and no part of which has been paid except as therein set forth.

3. Pascacio Callejas: \$1,693.00 of compensatory damages, \$974.00 of federal liquidated damages, \$423.25 of state liquidated damages, and interest at 9% from July 5, 2007 to August 11, 2008, for \$167.61, for a total as of \$3,257.86, as shown by the spreadsheet annexed as **Exhibit F**, which is justly due and owing, and no part of which has been paid except as therein set forth.

4. Kae Heung Park: \$4,349.00 of compensatory damages, \$2,794.60 of federal liquidated damages, \$1,087.25 of state liquidated damages, and interest at 9% from May 28, 2007 to August 11, 2008, for \$473.61, for a total as of \$8,704.46, as shown by the spreadsheet annexed as **Exhibit F**, which is justly due and owing, and no part of which has been paid except as therein set forth.

5. Carlos Dominguez: \$4,294.50 of compensatory damages, \$3,001.50 of federal liquidated damages, \$1,073.63 of state liquidated damages, and interest at 9% from March 7, 2007 to August 11, 2008, for \$552.70, for a total as of \$8,922.33, as shown by the spreadsheet annexed

as **Exhibit F**, which is justly due and owing, and no part of which has been paid except as therein set forth.

6. Manuel Tenezaca: \$2,834.50 of compensatory damages, \$1,236.00 of federal liquidated damages, \$708.63 of state liquidated damages, and interest at 9% from May 3, 2007 to August 11, 2008, for \$326.53, for a total as of \$5,105.66, as shown by the spreadsheet annexed as **Exhibit F**, which is justly due and owing, and no part of which has been paid except as therein set forth.

7. Luis Mauriseca: \$6,331.29 of compensatory damages, \$1,545.00 of federal liquidated damages, \$876.50 of state liquidated damages, and interest at 9% from April 30, 2007 to August 11, 2008, for \$403.89, for a total as of \$6,331.39, as shown by the spreadsheet annexed as **Exhibit F**, which is justly due and owing, and no part of which has been paid except as therein set forth.

8. Joaquin Macareno: \$3,214.50 of compensatory damages, \$1,784.50 of federal liquidated damages, \$803.63 of state liquidated damages, and interest at 9% from April 13, 2007 to August 11, 2008, for \$384.78, for a total as of \$6,187.40, as shown by the spreadsheet annexed as **Exhibit F**, which is justly due and owing, and no part of which has been paid except as therein set forth.

9. Santoz Mendoza: \$3,214.50 of compensatory damages, \$1,784.50 of federal liquidated damages, \$803.63 of state liquidated damages, and interest at 9% from April 13, 2007 to August 11, 2008, for \$384.78, for a total as of \$6,187.40, as shown by the spreadsheet annexed as **Exhibit F**, which is justly due and owing, and no part of which has been paid except as therein set forth.

10. Long Fan Jin: \$3,482.25 of compensatory damages, \$1,927.75 of federal liquidated damages, \$870.56 of state liquidated damages, and interest at 9% from May 28, 2007 to August 11, 2008, for \$379.22, for a total as of \$6,659.78, as shown by the spreadsheet annexed as **Exhibit F**, which is justly due and owing, and no part of which has been paid except as therein set forth.

Dated: New York, New York  
\_\_\_\_\_, 2008

\_\_\_\_\_  
Deborah A. Batts  
United States District Judge  
Southern District of New York  
or  
J. Michael McMahon  
Clerk of the Court

This document was entered on the  
docket on \_\_\_\_\_

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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FELIX DELGADO, CARLOS DOMINGUEZ, :  
LUIS MAURISECA, KAE HEUNG PARK, :  
LONG FAN JIN, JORGE PENAPIEL, MANUEL :  
TENEZACA, PASCACIO CALLEJAS, : No. 08-CV-1984 (DAB)(MDF)  
SANTOZ MENDOZA, and JOAQUIN :  
MACARENO, : ECF CASE  
:  
Plaintiffs, : **CERTIFICATE OF SERVICE**  
:  
-against- :  
:  
KIKO CONSTRUCTION INC., REX KIM, and :  
KWANG YONG BYUN, :  
:  
Defendants. :  
-----x

**CERTIFICATE OF SERVICE**

I, Dillon Kim, hereby certify that on August 11, 2008, I caused a true and correct copy of the Plaintiffs' Motion for Default Judgment, Declaration of Dillon Kim in Support of the Plaintiffs' Motion for Default Judgment and the exhibits annexed thereto, and the Proposed Order for Default Judgment against Kiko Construction Inc. and Rex Kim via first class mail and Federal Express upon:

Kiko Construction Inc.  
41-96 Gleane Street, Apartment E-11  
Elmhurst, New York 11373

and

Rex Kim  
57-35 256<sup>th</sup> Street  
Little Neck, New York 11362

In an abundance of caution, Kiko Construction Inc. and Rex Kim were both served copies of Plaintiffs' Default Judgment motion papers despite not having answered or responded to service of the Summons and Complaint in this action.

Dated: New York, New York  
August 11, 2008

**HOGAN & HARTSON LLP**

/s/ Dillon Kim

Arlene L. Chow (AC 4533)  
Dillon Kim (DK 4121)  
875 Third Avenue  
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